

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:17-cv-00086-MR-DLH**

FIRST NATIONAL INSURANCE)	
COMPANY OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>O R D E R</u>
)	
BRENDA LIVESAY and RONALD)	
LIVESAY AND BRENDA LIVESAY)	
FAMILY TRUST,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on the Defendants' Motion to Dismiss [Doc. 7]; the Magistrate Judge's Memorandum and Recommendation [Doc. 12] regarding the disposition of that motion; and the Defendants' Objections to the Memorandum and Recommendation [Doc. 14].

The Federal Magistrate Act requires a district court to "make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). In order "to preserve for appeal an issue in a magistrate judge's report, a party must object to the finding or recommendation on that issue with sufficient

specificity so as reasonably to alert the district court of the true ground for the objection.” United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007). The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections have been raised. Thomas v. Arn, 474 U.S. 140, 150 (1985). Additionally, the Court need not conduct a *de novo* review where a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

The Defendants’ Objections do not identify any specific error in the Magistrate Judge’s proposed conclusions of law. Rather, the Defendants simply restate arguments made in support of their Motion to Dismiss. These kinds of objections do not warrant a *de novo* review of the Magistrate Judge’s reasoning. Aldrich v. Bock, 327 F.Supp.2d 743, 747 (E.D. Mich. 2004) (“A general objection, or one that merely restates the arguments previously presented is not sufficient to alert the court to alleged errors on the part of the magistrate judge. An ‘objection’ that does nothing more than state a disagreement with a magistrate’s suggested resolution, or simply

summarizes what has been presented before, is not an ‘objection’ as that term is used in this context.”).

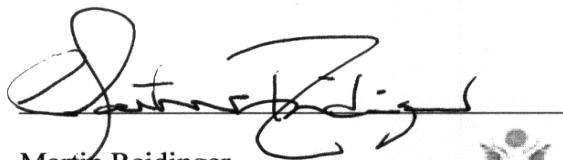
After a careful review of the Memorandum and Recommendation, the Court concludes that the Magistrate Judge’s proposed conclusions of law are correct and are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge’s recommendation that the Defendants’ Motion to Dismiss should be denied.

IT IS, THEREFORE, ORDERED that the Defendants’ Objections [Doc. 14] are **OVERRULED**, and the recommendation of the Magistrate Judge [Doc. 12] is **ACCEPTED**.

IT IS FURTHER ORDERED that the Defendants’ Motion to Dismiss [Doc. 7] is **DENIED**.

IT IS SO ORDERED.

Signed: February 16, 2018



Martin Reidinger
United States District Judge

